

**CS FOR SENATE BILL NO. 15(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 4/21/21**

**Referred: Finance**

**Sponsor(s): SENATOR COSTELLO**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the Open Meetings Act; establishing a warning and civil and**  
2 **criminal penalties for violations of the open meeting requirements by certain elected**  
3 **members of governmental bodies; and relating to the duties of the Alaska Public Offices**  
4 **Commission and the attorney general."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* **Section 1.** AS 15.13 is amended by adding a new section to read:

7 **Sec. 15.13.395. Open meetings violations.** A person may file with the  
8 commission an administrative complaint against a person for a violation described in  
9 AS 44.62.310(i). When an administrative complaint has been filed, the commission  
10 shall give the respondent due notice and an opportunity to be heard, except that, if the  
11 alleged violation would be the person's third violation, the commission shall refer the  
12 matter to the attorney general for criminal proceedings against the respondent under  
13 AS 44.62.310(i). If, at the conclusion of the hearing, the commission determines that  
14 the respondent engaged in the alleged violation, the commission shall, if the violation

1 is the respondent's first violation, give the respondent a warning under  
2 AS 44.62.310(i) or, if the violation is the respondent's second violation, assess a civil  
3 penalty under AS 44.62.310(i). The commission's determination under this section  
4 may be appealed to the superior court under AS 44.62 (Administrative Procedure Act).

5 \* **Sec. 2.** AS 44.62.310 is amended by adding a new subsection to read:

6 (i) A member of a governmental body that is made up of elected public  
7 officials who knowingly attends a meeting of the governmental body that violates this  
8 section is subject to a warning if the violation is the member's first violation, liable to  
9 the state for a civil penalty not to exceed \$1,000 if the violation is the member's  
10 second violation, or guilty of a class B misdemeanor if the violation is the member's  
11 third violation. The Alaska Public Offices Commission shall advise a member in the  
12 warning that a second violation is subject to a civil penalty not to exceed \$1,000 and a  
13 third violation is a class B misdemeanor. The Alaska Public Offices Commission shall  
14 enforce this subsection under AS 15.13.395. In this subsection,

15 (1) "elected public official" means a person who has been elected to a  
16 governmental body at a regular or special election held by a municipality, school  
17 district, or regional educational attendance area;

18 (2) "knowingly" has the meaning given in AS 11.81.900(a).

19 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
20 read:

21 **APPLICABILITY.** AS 15.13.395, added by sec. 1 of this Act, and AS 44.62.310(i),  
22 added by sec. 2 of this Act, apply to conduct occurring on or after the effective date of this  
23 Act.